

DD/A Registry

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22 SEP 1980

Executive Registry

80-5182

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: Don I. Wortman
Deputy Director for Administration

SUBJECT: Restrictions on OSS Records

23 SEP 1980

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1. In response to the question recently brought to your attention regarding restrictions on public access to OSS records in the National Archives, the following briefly covers our efforts to declassify and transfer OSS records to the National Archives, and our negotiations concerning the restrictions.

2. The CIA declassification review of OSS records began in December 1972 when two retired Agency officers were engaged under contract to review OSS material that had been accessioned by the National Archives from the Department of State. This material came from the part of OSS that was transferred to the Department when OSS was abolished. The two officers completed this review in 1974 and then commenced a systematic review of the OSS files in CIA's custody. The review team subsequently was enlarged to include a total of 15 retired officers. In 1978 the review of OSS material was incorporated into the Agency program for reviewing all SSU, CIG, and CIA records. This program carries out the provisions of Executive Order 12065 requiring the systematic declassification review of all permanent, classified records over 20 years old.

3. The initial Agency transfer of OSS records to the National Archives was made in December 1979. It consisted of 198 cubic feet of material declassified by the Agency. In this transfer the Agency imposed the following "specific restrictions" on the release of documents to the public:

- a. "Foreign Government Information must be afforded protection and will not be released without the prior approval of the government involved."
- b. "In keeping with the provisions of the Privacy Act information concerning the affiliation of U.S. persons with OSS may not be released without the consent of the person involved."

These restrictions were accepted in writing by the National Archives and Records Service (NARS) as part of the transfer. They are similar to restrictions imposed at times by other agencies. The second restriction also is similar to "general restriction" No. 18, imposed by the Archivist on all records of the type to which the Privacy Act normally would apply (the National Archives is exempt from the access provisions of the Privacy Act).

4. Since the December 1979 transfer, at least one NARS official has voiced concern that NARS, in order to make full use of the OSS records, must abide by restrictions similar to the provisions of the Privacy Act; that is, sensitive information relating to employment and personal activities would have to be cleared with the U.S. person concerned before release to the public. Because of the burden of checking with each person, it would be impractical for NARS to use many of the records.

5. The question of restrictions has been under discussion with NARS for several months. It has been referred within NARS to Mr. Raymond Tagge, liaison officer to the Agency. Mr. Tagge has been seeking clarification as to how any differences between our specific restriction and NARS general restriction No. 18 may cause undue burden on NARS. We have told Mr. Tagge the Agency will be happy to negotiate suitable alternatives to our specific restrictions should NARS so desire.

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Don I. Wortman

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Prepared by:

DDA/OIS/RMD/RSB, [redacted] CRD & [redacted] DDO/IMS):br
(18 September 1980)

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